

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

DEBRA MAE CARTER,

Plaintiff.

v.

No. 4:21-cv-1210-P

AGAMERICA, LLC ET AL.,

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

United States Magistrate Judge Hal R. Ray, Jr. made Findings, Conclusions, and a Recommendation (“FCR”) in this case on November 22, 2021. ECF No. 8. On December 3, Plaintiff Debra Carter filed a response and objection to the FCR. ECF Nos. 9, 10. The FCR is now ripe for review.

When a party files written objections to an FCR, the Court reviews the Memorandum and Recommendation *de novo*. See 28 U.S.C. § 636(b)(1). But “[p]arties filing objections must specifically identify those findings [to which they object].” *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1412 (5th Cir. 1996) (en banc). “Frivolous, conclusive or general objections need not be considered by the district court.” *Id.*

Here, Plaintiff’s objections are substantially similar to the allegations she made in her Amended Complaint and Motion for Temporary Restraining Order. Compare Pl.’s Resp. to FCR, ECF No. 9, with Pl.’s Am. Compl. and Mot. for TRO, ECF Nos. 5, 6. The FCR recommends dismissal without prejudice due to a lack of subject matter jurisdiction; however, Plaintiff fails to respond to this contention and fails to argue that this Court has subject matter jurisdiction over this

case. *See generally* Pl.'s Resp. to FCR. Despite Plaintiff's failure to make specific objections to the FCR, the undersigned District Judge conducted a *de novo* review of the record and purported objections in accordance with 28 U.S.C § 636(b)(1).

After conducting the *de novo* review, the Court concludes that it lacks subject matter jurisdiction and cannot provide Plaintiff the relief she seeks. Accordingly, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the reasoning in the Magistrate Judge's FCR.

The Court therefore **DENIES** Plaintiff's Motion for Temporary Restraining Order (ECF No. 6) and Application for Writ of Mandamus (ECF No. 1). The Court further **ORDERS** that Plaintiff's claims against Defendants are **DISMISSED without prejudice**.

SO ORDERED on this **9th day of December, 2021**.

A handwritten signature in black ink, reading "Mark T. Pittman", written over a horizontal line.

Mark T. Pittman
United States District Judge